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10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE CENTRAL DISTRICT OF CALIFORNIA
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15 **MARK OWEN LAUN,**
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19 **ORANGE COUNTY SHERIFF,**
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Petitioner,

v.

Respondent.

EDCV 18-02226 JVS (KES)

**ANSWER TO PETITION FOR
WRIT OF HABEAS CORPUS**

Judge: The Honorable Karen E. Scott

22 Pursuant to this Court's Order, and in accordance with Rule 5 of the Rules
23 Governing § 2254 Cases in the United States District Court, Respondent submits
24 this Answer to Petition for Writ of Habeas Corpus.

25 Respondent denies all allegations that Petitioner Mark Laun was unlawfully
26 convicted or detained and makes the following assertions:
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I.

Laun was placed on probation for three years for his convictions for felony domestic battery causing injury with a deadly weapon use enhancement and assault with a deadly weapon. Since he filed his Petition, Laun successfully completed probation and had his felony convictions reduced to misdemeanors and dismissed.

II.

The Petition is moot because there is no meaningful relief that this Court can provide.

III.

Ground One of the Petition—a freestanding claim of actual innocence—is not cognizable on federal habeas review.

IV.

Grounds Two, Three, and Four—prosecutorial misconduct, ineffective assistance of trial counsel, and juror misconduct—are subject to the relitigation bar of 28 U.S.C. § 2254(d). Relief is unavailable because the state court’s rejection of these claims was neither contrary to, nor an unreasonable application of, clearly established federal law.

V.

Respondent has lodged the relevant state court records with the previously filed Notice of Lodgment and a Supplemental Notice of Lodgment, except for the state court records that Laun filed with this Court.

VI.

Laun is not entitled to an evidentiary hearing to resolve his claims. 28 U.S.C. § 2254(e)(2).

VII.

The relevant facts and procedural history are set forth in the accompanying Memorandum of Points and Authorities, which is incorporated herein by this

1 reference. Except as expressly admitted, Respondent denies that Laun's
2 constitutional rights have been violated.

3 Dated: December 29, 2022

Respectfully submitted,

4 ROB BONTA
5 Attorney General of California
6 DANIEL ROGERS
7 Supervising Deputy Attorney General
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/s/ Lise S. Jacobson

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CERTIFICATE OF SERVICE

Case Name: Laun v. Orange County Sheriff No. EDCV 18-02226 JVS (KES)

I hereby certify that on December 29, 2022, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS

I certify that **all** participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on December 29, 2022, at San Diego, California.

W. Hernandez

Declarant



Signature

LSJ: wh
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